

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

PERRY B. WESTCOTT, ET AL.,
Plaintiffs,

v.

UNITED STATES OF AMERICA,
Defendant.

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CASE NO. 4:07cv438

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE AND
ORDER OF DISMISSAL**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 14, 2008, the Magistrate Judge entered a report containing proposed findings of fact and recommendations that the United States' Motion to Dismiss (Dkt 28) be GRANTED.

The court has made a *de novo* review of the objections raised by Plaintiffs and Defendant's response. The court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of Plaintiffs are without merit. Therefore, the United States' Motion to Dismiss (Dkt 28) is GRANTED, and Plaintiffs' claims here are DISMISSED.

All motions not previously ruled on are hereby denied.

All costs should be borne by the party incurring same.

IT IS SO ORDERED.

SIGNED this 23rd day of Sept., 2008.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE